

PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No 09/680,858

REMARKS

Claims 1-32 are all the claims pending in the application. The above amendment to Claim 5 corrects a typographical error and does not represent new matter. Claims 26-29 are dependent claims depending upon existing claims. These newly added claims specify particular plants and do not represent new matter. Newly added claims 30-32 cover mutated plant microspores and support can be found throughout the Specification for these claims.

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Restriction Requirement

The Applicants respectfully traverse the restriction requirement set forth in the Office Action mailed 5 April 2002. The Office states that there are five inventions based on searching purposes represented in the pending claims. Those five invention groups are summarized below:

Group I: Claims 1-11 and 25 (and newly added Claims 26 and 27) to methods/compositions for mutating plant DNA by electroporation of microspores with oligonucleotides;

Group II: Claims 12 and 13 to method of making non-selectable mutation in plant DNA by introducing oligonucleotides into microspores;

Group III: Claims 14-21 to plants/seeds with specific DNA mutations;

Group IV: Claims 22 and 23 to methods of altering plant DNA by introducing mixed duplex oligonucleotides into microspores; and

Group V: Claim 24 (and newly added Claims 28-32) to a plant microspore.

The Applicants respectfully disagree with the above invention designations. At most there are two invention groups based on searching criteria that can be broken down as follows:

Group A: Claims 1-13 and 22-32, and

Group B: Claims 14-21.

The claims in invention Group A all relate to methods of modifying (mutating) plant DNA by introducing the defined oligonucleotides into plant microspores or compositions containing plant microspores. The second invention group, Group B, relates to plants/seeds that have specific DNA mutations and corresponds to the Office's Group 3 invention.

Provisional Election

The Applicants respectfully request invention Group V (Claim 24 and newly added dependent Claims 28 and 29) if the restriction requirement is maintained. If the Office agrees with the invention groups proposed by the Applicants then the Applicants elect invention Group A (Claims 1-13 and 22-32). Of course, whatever group is elected the Applicants expressly retain the right to pursue non-elected claims in a divisional(s) application(s).

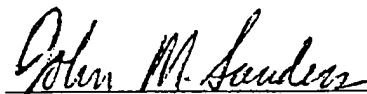
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In view of the above, reconsideration and withdrawal of the restriction requirement are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

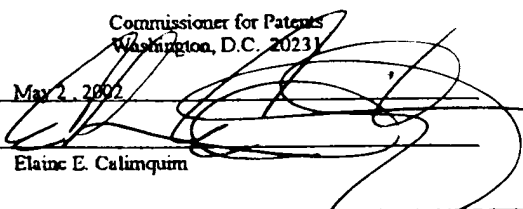


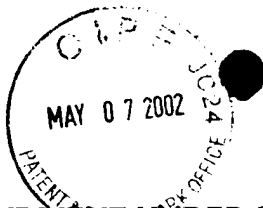
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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

5. The method of claim [4] 3 wherein the second RNA segment contains at least 8 contiguous 2'-substituted ribonucleotides.

Please add the following new claims as follows:

26. The composition of Claim 25 wherein the plant microspores are microspores from a plant that is a member of the family Brassicaceae.
27. The microspore composition of Claim 26 wherein the microspore is a *Brassica napus*, *Brassicarapa*, *Brassica oleracea* and *Brasica juncea* microspore.
28. The plant microspore composition of Claim 24 wherein the plant is a member of the family Brassicaceae.
29. The plant microspore composition of Claim 28 wherein the plant microspore is a *Brassica napus*, *Brassicarapa*, *Brassica oleracea* or a *Brasica juncea* microspore.
30. A mutated plant microspore which comprises a microspore that has a genomic mutation wherein the genomic mutation was accomplished by introducing a mixed duplex oligonucleotides into the plant microspore.
31. The mutated plant microspore of Claim 30 wherein the microspore is from a plant of the family Brassicaceae.
32. The mutated plant microspore of Claim 31 wherein the plant microspore is a *Brassica napus*, *Brassicarapa*, *Brassica oleracea* and *Brasica juncea* microspore.

US 096808580FP1



Creation date: 02-09-2003
Indexing Officer: EAYINALEM - ELIZABETH AYINALEM
Team: OIPEBackFileIndexing
Dossier: 09680858

Legal Date: 28-04-2003

No.	Doccode	Number of pages
1	CTFR	9

Total number of pages: 9

Remarks:

Order of re-scan issued on